

MOTION FILED
APR 2 1985

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No. 84-310

In the Supreme Court of the United States

OCTOBER TERM, 1984

In the Matter of:

Attorney Robert J. Snyder

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE EIGHTH CIRCUIT

**MOTION OF THE UNITED STATES COURT OF
APPEALS FOR THE EIGHTH CIRCUIT TO
SUPPLEMENT JOINT APPENDIX**

ROSS H. SIDNEY

PATRICK J. McNULTY

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*Attorneys for the United States Court of Appeals
For the Eighth Circuit*

*Counsel of Record

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Follow

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COMES NOW the United States Court of Appeals for the Eighth Circuit and, pursuant to Rule 42 of the Rules of the Supreme Court, moves that it be allowed to supplement the Joint Appendix, and in support thereof, states:

1. The United States Court of Appeals for the Eighth Circuit desires to make a part of the Joint Appendix in this matter what has been attached hereto as Exhibit A. Page 1 of Exhibit A is voucher form CJA 20 executed by petitioner seeking approval for attorney fees and reimbursement of expenses in excess of \$1,000 for a case under the Criminal Justice Act in which he was appointed in 1980. Pages 2-4 of Exhibit A is petitioner's descriptive

memorandum detailing, by time, the nature of the legal services provided in that case. The Eighth Circuit believes Exhibit A is material and relevant to the issues involved in the case now pending before this Court.

2. The issue of petitioner's representation in cases under the Criminal Justice Act prior to the one now before this Court was raised by petitioner before the Eighth Circuit in the Petition for Rehearing En Banc (J.A. 84-87) and was addressed by the Eighth Circuit in its Order Denying the Petition for Rehearing En Banc. (J.A. 88-89.)

3. Through oversight and inadvertence, Exhibit A was not made a part of the Joint Appendix in this case. No prejudice would inure to the petitioner if this motion were granted and Exhibit A made a part of the Joint Appendix.

Respectfully submitted,

By

ROSS H. SIDNEY

JOHN J. GREER*

PATRICK J. McNULTY

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Spencer, Iowa 51301

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*Attorneys for the United States Court of Appeals
For the Eighth Circuit*

*Counsel of Record

Dated this 29th day of March, 1985.

APPOINTMENT

IN UNITED STATES

☐ MAGISTRATE ☒ DISTRICT

IN APPEALS COURT OR

JUDICIAL PANEL (Specify below)

IN THE CASE OF

U. S. A. vs. SAMUEL LARGUS

THE DISTRICT OF NORTH DAKOTA

LESTER, a/k/a SAM STRETCHES

BISMARCK

PROCEEDING (describe briefly)

Arraignment & Trial

CHARGE/OFFENSE (describe if applicable & check box +)

☒ Felony
☐ Misdemeanor

Murder in the first degree

U.S. or other code citation

18:1111 & 1153

PERSON REPRESENTED (Show full name & status, & check box +)

Name already appears ☐ Pl. or as ☒ Of above

COURT ORDER

- ☒ APPOINTING COUNSEL
☐ RATIFYING PRIOR SERVICE
☐ EXTENDING APPOINTMENT FOR APPEAL
☐ SUBSTITUTING COUNSEL FOR:
 (name of prior counsel) (date appr'd.)

Because the above named "person represented" has testified under oath or has otherwise satisfied this court that he or she: (1) is financially unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney or organization printed here and below

Robert J. Snyder

is hereby appointed to represent this person in the above designated case.

If appointment is made by a magistrate and the case subsequently proceeds to U.S. District Court, the appointment shall remain in effect until terminated or a substitute attorney is appointed.

The attorney or organization herein appointed is authorized to claim reimbursement on this form, subject to applicable law, administrative regulations, and the plan of the court.

Signature of U.S. Judge or magistrate

Robert J. Snyder 7-8-80
 OR BY ORDER Date
 OF THE COURT

(Clerk or Deputy)

CERTIFICATIONS OF ATTORNEY/PAYEE

Has compensation and/or reimbursement for work in this case been previously applied for or received? ☒ Yes ☐ No

If "Yes", how much were you paid? \$

By whom were you paid?

If this is an appeal did you represent person in lower court ☐ Yes ☒ No

SIGNATURE OF ATTORNEY/PAYEE

I SWEAR & AFFIRM THE TRUTH & CORRECTNESS OF ABOVE STATEMENTS

APPROVED FOR PAYMENT

SIGNATURE OF JUDGE/MAGISTRATE

SIGNATURE OF CHIEF JUDGE COURT OF APPEALS

COUNSEL

☒ IS A PRIVATE ATTORNEY

IS FURNISHED BY:

☐ COMMUNITY DEFENDER ORGANIZATION☐ BAR ASSOCIATION OR LEGAL AGENCY

SOCIAL SECURITY NO.

475-52-1877

PHONE NO. (701) 253-1611

ATTORNEY ORGANIZATION

Robert J. Snyder
 219-1/2 E. Broadway
 P. O. Box 2071
 Bismarck, ND

ADDRESS

RECEIVED

ZIP CODE 58501

AT TIME OF APPOINTMENT

PLEASE TYPE OR

PRINT CLEARLY THE NAME OF ATTORNEY OR ORGANIZATION (PAYEE) AND THE ADDRESS TO WHICH CHECK SHOULD

BE MAILED

LOCATION NUMBER

NDXBL
34101

DOCKET NUMBERS

Magistrate

11-80-21-02

District Court

(11-80-21-02)

Court of Appeals

VOUCHER NUMBER

317316

TIME SPENT

I IN OPEN COURT

See Attached Sheets

A. ARRAIGNMENT & OR PLEA

4.50

B. MOTIONS & REQUESTS

C. BAIL HEARINGS

D. SENTENCE HEARINGS

E. TRIAL

1000023

TOTAL "IN COURT" HOURS 07.75

See Attached Sheets

H. OBTAINING & REVIEWING RECORDS

18.00

C. LEGAL COUNSELING

D. INVESTIGATION

E. OTHER (Specify)

1.00

TOTAL "OUT OF COURT" HOURS 144.40

TOTAL COMPENSATION FOR "IN COURT & OUT OF COURT" TIME \$ 2,020.00

TOTAL ITEMIZED EXPENSES (Specify, per instruction sheet)

Investigation expense \$ 485.70

12 trips to Mandan, 12 miles at \$1.7

Long distance phone call to Cannon Ball 1.46

143 photocopies at \$.25 each. 35.75

TOTAL ITEMIZED EXPENSES \$ 562.81

TOTAL COMPENSATION & EXPENSES \$ 2,582.81

DEDUCT AMOUNT

PREVIOUSLY PAID IF APPLICABLE

NET AMOUNT CLAIMED \$ 2,582.81

DATE 1/8/81

DATE 2/8/81

DATE 2/8/81

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BICKLE, COLES AND SNYDER

Attorneys at Law

P.O. Box 2071

219½ East Broadway

The Little Building

Bismarck, North Dakota 58501

Telephone

(701) 258-1611

TO: U.S. District Court ATTORNEY: Snyder
 Federal Building MATTER: Lester/Murder
 Bismarck, ND 58502 FILE: 80-223

November 26, 1980

Statement of Legal Services and Expenses

DATE	DESCRIPTION	
	LEGAL SERVICES	
	OUT OF COURT HOURS	
7-9-80	Travel to and from Mandan; conference with client;	.75 hrs.
7-10-80	telephone conversation with Jim Hill, United States attorney;	.10 hrs.
7-14-80	travel to and from Mandan; conference with client;	.75 hrs.
7-15-80	preparation of Motion for Bond Reduction; preparation of Affidavit of Service by Mail; preparation of letter to Clerk of District Court with enclosures;	.66 hrs.
7-17-80	review of initial reports in United States Attorney's file;	1.00 hrs.

DATE	DESCRIPTION	
7-22-80	preparation of Motion for Appointment of Investigator; preparation of Affidavit of Service by Mail; preparation of letter to Magistrate Kautzmann with enclosures;	.80 hrs.
7-22-80	conference with Jim Hill;	.25 hrs.
7-23-80	travel to and from Mandan; conference with client;	.75 hrs.
8-8-80	conference with investigators of Capitol City Security Consultants;	.5 hrs.
8-11-80	telephone conversation with Cannon Ball Security office;	.10 hrs.
8-15-80	preparation of Authorization of Transcript; preparation of letter to Magistrate Kautzmann with enclosures;	.53 hrs.
8-15-80	telephone conversation with client;	.10 hrs.
8-19-80	travel to and from Mandan, conference with client.	.75 hrs.
8-21-80	telephone conversation with client;	.15 hrs.
8-27-80	travel to and from Mandan; conference with client;	1.00 hrs.
9-5-80	telephone conversation with U.S. Marshall's office;	.10 hrs.
9-5-80	telephone conversation with client;	.15 hrs.
9-8-80	telephone conversation with Jim Hill;	.15 hrs.
9-8-80	travel to and from Mandan; conference with Magistrate Kautzmann; conference with client;	1.25 hrs.

DATE	DESCRIPTION	
9-9-80	telephone conversation with Chuck Feland of Capitol City Security Consultants;	.20 hrs.
9-17-80	Conference with Bella Feather;	.50 hrs.
9-18-80	travel to and from Mandan; conference with client;	.75 hrs.
9-24-80	telephone conversation with client; telephone conversation with Ralph Vinje; telephone conversation with Special Agent Willis of the FBI;	.30 hrs.
9-24-80	telephone conversation with Chuck Feland of Capitol City Security Consultants;	.15 hrs.
9-25-80	review of investigative reports;	.50 hrs.
9-26-80	conference with Ralph Vinje;	1.00 hrs.
10-2-80	travel to and from Mandan; conference with client;	1.00 hrs.
10-7-80	conference with investigators; legal research; review of investigative reports; conference with Ralph Vinje;	4.50 hrs.
10-8-80	telephone conversation with client;	.15 hrs.
10-13-80	travel to and from Mandan; conference with client; conference with Floyd Stretches; conference with Mary Stretches; conference with Asa Lester;	2.50 hrs.
	trial preparation;	3.00 hrs.
10-13-80	telephone conversation with Jim Hill.	.15 hrs.
10-12-80	trial preparation;	3.00 hrs.

DATE	DESCRIPTION	
10-10-80	conference with Jim Hill;	.75 hrs.
10-9-80	conference with Jim Hill; telephone conversation with Ralph Vinje;	.85 hrs.
10-9-80	travel to and from Mandan; conference with client;	.75 hrs.
10-8-80	preparation of Request for Voir Dire Examination one through four; preparation of letter to Clerk of Court; preparation of letter to Jim Hill; preparation of letter to Judge Davies with enclosures; preparation of Affidavit of Service by Mail;	1.25 hrs.
10-8-80	preparation of Motion in Limine and Affidavit of Service by Mail; preparation of letter to Clerk of Court with Enclosures;	.66 hrs.
10-8-80	preparation of Defendant's Request for Jury Instructions one through eight;	1.00 hrs.
10-14-80	trial preparation;	1.50 hrs.
10-15-80	trial preparation;	1.50 hrs.
10-16-80	trial preparation;	1.50 hrs.
10-17-80	trial preparation;	.50 hrs.
10-20-80	trial preparation;	1.50 hrs.
10-21-80	trial preparation;	2.00 hrs.
10-27-80	telephone conversation with client;	.10 hrs.
11-10-80	telephone conversation with client; telephone conference with Bob Pfennig;	.20 hrs.

DATE	DESCRIPTION	
11-18-80	review of presentence investigation report;	.50 hrs.
11-19-80	travel to and from Mandan, conference with client; legal research regarding Federal Youth Corrections Act;	1.75 hrs.
Total Out of Court Hours:		
42.60 hrs. at \$20.00		
per hour = <u>\$852.00</u>		
IN COURT HOURS		
7-8-80	Initial appearance;	.50 hrs.
7-18-80	appearance at preliminary hearing;	2.00 hrs.
8-6-80	appearance at arraignment and omnibus hearing;	2.00 hrs.
10-14-80	attendance at first day of trial.	5.00 hrs.
10-15-80	attendance at second day of trial.	5.00 hrs.
10-16-80	attendance at third day of trial.	5.00 hrs.
10-17-80	attendance at fourth day of trial.	2.50 hrs.
10-20-80	attendance at fifth day of trial.	5.00 hrs.
10-21-80	attendance at sixth day of trial.	4.00 hrs.
10-22-80	attendance at seventh day of trial.	5.00 hrs.
10-23-80	attendance at eighth day of trial.	1.00 hrs.
11-20-80	appearance at sentencing.	.75 hrs.
TOTAL IN COURT HOURS		
37.75 hours at \$30.00		
per hour = <u>\$1,132.50</u>		
Total Legal Services <u>\$1,984.50</u>		

NOTE: At our regular billing rate of \$50.00 per hour the above figure would be \$4,0177.50.

EXPENSES:

Investigation expense (see attached sheet)	1,485.70
12 trips to Mandan, each 12 miles at \$.17 per mile.	28.48
Long distance phone call to Cannon Ball, North Dakota.	1.46
143 photocopies at \$.25.	<u>35.75</u>
Total Expenses	<u>\$1,547.39</u>
TOTAL BALANCE DUE	<u><u>\$3,531.89</u></u>